

CASE 4-118-8353B

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1617

NEUER ET AL.

Examiner: Lauren Wells

APPLICATION NO: 09/738,212

FILED: DECEMBER 15, 2000

FOR: PHARMACEUTICAL COMPOSITIONS OF MACROLIDES OR  
CYCLOSPORINE WITH A POLYETHOXYLATED SATURATED  
HYDROXY-FATTY ACID

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

FEE LETTER

Sir:

Enclosed is a Terminal Disclaimer in the above-identified application.

The Commissioner is hereby authorized to charge the \$110 fee under 37 CFR §1.20(d) and any additional fees that may be required to Deposit Account No. 19-0134 in the name of Novartis. An additional copy of this paper is enclosed.

Respectfully submitted,



Gabriel Lopez  
Attorney for Applicants  
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Novartis  
Corporate Intellectual Property  
One Health Plaza, Building 430  
East Hanover, NJ 07936-1080

Date: 1/8/04

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TERMINAL DISCLAIMER

Sir:

Novartis AG, a company organized under the laws of the Swiss Confederation, having a place of business at Lichtstrasse 35, Basel, Switzerland 4056, represents that it is the assignee and owner of the entire interest in the above-identified application by virtue of an assignment which is being transmitted for recordation in the United States Patent and Trademark Office concurrently herewith. A copy is attached hereto.

Novartis AG hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 USC §154-156 and §173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending Application No. 09/547,802 filed April 11, 2000. Said Application No. 09/547,802 is also assigned to Novartis AG (formerly Sandoz Ltd.) by virtue of an assignment which was recorded in the United States Patent and Trademark Office on June 27, 1994 at Reel/Frame 7041/0439.

Novartis AG hereby agrees that any patent granted on the above-identified application shall be enforceable only for and during such period that it and any patent granted on Application No. 09/547,802 are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Novartis AG does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 USC §154-156 and §173 of any patent granted on Application

No. 09/547,802, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

A terminal disclaimer fee under 37 CFR §1.20(d) is included.

Signed this 8th day of January, 2004 by the undersigned attorney of record.

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Encl: Assignment

Case No. 4-118-8353 AApplication No. 09/738,212Mailing Date: 1/8/2004Due Date: 1/10/2004Express Mail No.: EV 336 721 095 US

The Patent &amp; Trademark Office acknowledges, and has stamped hereon the date of receipt of the items checked below:

 Amendment/Response/Letter - Fee \$ \_\_\_\_\_ Appln. Filing Papers - Fee \$ \_\_\_\_\_ PCT National Stage Provisional Application RCE  DIY  CONT  CIP Specification \_\_\_\_\_ Pg's Executed/Unexecuted Decl. - Fee \$ \_\_\_\_\_ Missing Parts/Missing Req. Preliminary Amendment \_\_\_\_\_ Pg's Claim of Priority  Certified Copy(s) Amendment After Final Notice of Appeal - Fee \$ \_\_\_\_\_ Appeal Brief - Fee \$ \_\_\_\_\_ Issue Fee Payment \$ \_\_\_\_\_ Assignment Rec. Req. - Fee \$ 50 Formal Drawings \_\_\_\_\_ Pg's IDS \_\_\_\_\_ Pg's - Fee \$ \_\_\_\_\_ PTO-1449 Form \_\_\_\_\_ Pg's Pet. for Ext. of Time - Fee \$ \_\_\_\_\_ Application Data Sheet Seq. Listings \_\_\_\_\_ Pg's/Seq. Disk Terminal Disclaimer; Reply; See Letters in Sup.